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IRVING MALCHMAN, OF COUNSEL

VIA E-FILING

August 2, 2005

Clerk of the Court
United States District Court for the District of Massachusetts
Suite 2300
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Re: The City of New York and Captioned New York Counties (MDL 1456)
(No. 01-CV-12257-PBS)

Dear Sir or Madam:

Per this Court's Order entered June 17, 2004 enclosed for filing in the above-captioned matters please find the August 1, 2005 status report for The City of New York and Captioned New York Counties.

Sincerely,

/s/ Michael Coons
Michael Coons

Enclosures
cc: All Parties on Verilaw

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

The City of New York v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 04-CV-06054

County of Albany v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0425

County of Allegany v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0236

County of Broome v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00456

County of Cattaraugus v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0256

County of Cayuga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0423

County of Chautauqua v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0214

County of Chenango v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0354

County of Fulton v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0519

County of Genesee v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-00267

County of Greene v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0474

County of Herkimer v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00415

County of Jefferson v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0715

County of Madison v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0714

County of Monroe v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-1648

County of Niagara v. Abbott Laboratories, Inc., et al.

August 1, 2005

**STATUS REPORT FOR
THE CITY OF NEW YORK
AND CAPTIONED NEW
YORK COUNTIES**

W.D.N.Y. Case No. 05-CV-6296

County of Oneida v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0489

County of Onondaga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0088

County of Putnam v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 05-CV-4748

County of Rensselaer v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00422

County of Rockland v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-7055

County of St. Lawrence v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0479

County of Saratoga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0478

County of Steuben v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6223

County of Suffolk v. Abbott Laboratories, Inc., et al.
E.D.N.Y. Case No. 03-CV-12257

County of Tompkins v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0397

County of Warrren v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0468

County of Washington v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0408

County of Wayne v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6138

County of Westchester v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-6178

County of Yates v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-06172

The undersigned counsel for the Captioned-plaintiffs (hereinafter referred to as The City of New York and Captioned New York Counties) hereby submit the attached

status report to the Court in accordance with the Court's June 17, 2004 Procedural Order.

Date: August 2, 2005 New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala

Joanne M. Cicala

Aaron D. Hovan

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**COUNSEL FOR CITY OF NEW YORK AND
CAPTIONED NEW YORK COUNTIES**

MDL 1456 Status Report for the City of New York and Captioned New York Counties

Consolidated Complaint

On June 15, 2005 the City Of New York and Captioned New York Counties filed a motion for leave to file their Consolidated Complaint and Exhibits under seal, which filing included a sealed version of such Consolidated Complaint and Exhibits. On that same date, the City of New York and Captioned New York Counties served a redacted version of the Consolidated Complaint and Exhibits on Verilaw.

By Order dated June 23, 2005, the Hon. Patti B. Saris directed the Clerk not to accept the filing of the Consolidated Complaint under seal until defendants had established the bases for the redactions as to each of them. The June 23, 2005 Order provided defendants 10 days in which to make their showing.

On July 7, 2005 the parties filed a joint motion with the Court seeking a modification of the June 23, 2005 order, *inter alia*, "so as to a) start the 10 day period for a defendant's affidavit running from the date its counsel was provided with a version of the Consolidated Complaint and Exhibits that does not contain any redactions as to it but that continues to be redacted as to the other defendants or ten (10) days from the grant of this Motion, whichever is later.

By Order dated July 8, 2005, the Hon. Patti B. Saris granted this motion and modified the June 23, 2005 order.

On July 20, 2005 Defendants filed a Motion to Compel Disclosure and for an Extension of Time to Comply with July 8, 2005 Order. On July 29, 2005, the City of New York and Captioned Counties opposed that part of the motion that sought to compel disclosure.

Subsequent Filings

The following New York Counties, all of whom are represented by Kirby, McInerney & Squire, LLP, have filed complaints in their respective district courts since June 15, 2005 when the Consolidated Complaint was filed. Each of these counties are joining in the Consolidated Complaint for all purposes:

- Dutchess County: Filed 7/15/05 S.D.N.Y. Case No. 05-cv-6458
- Essex County: Filed 7/14/05 N.D.N.Y. Case No. 05-cv-0878

- Cortland County: Filed 7/14/05 N.D.N.Y. Case No. 05-cv-0881
- Columbia County: Filed 7/18/05 N.D.N.Y. Case No. 05-cv-0867
- Lewis County: Filed 7/6/05 N.D.N.Y. Case No. 05-cv-0839
- Ontario County: Filed 7/18/05 W.D.N.Y. Case No. 05-cv-6373
- Orleans County: Filed 7/18/05 W.D.N.Y. Case No. 05-cv-6371
- Putnam County: Filed 6/16/05 S.D.N.Y. Case No. 05-cv-4740
- Seneca County: Filed 7/15/05 W.D.N.Y. Case No. 05-cv-6371

Anticipated Filings

The City of New York and Captioned New York Counties will request a Status Conference and the entry of a Case Management Order by a motion to be filed presently.

Certificate of Service

I certify that on August 2, 2005 a true and correct copy of the foregoing August 1, 2005 Status Report was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Aaron D. Hovan
Aaron D. Hovan